

REMARKS

The Office Action dated January 11, 2006 has been carefully reviewed and considered. Claims 1-34 are presently pending in the application. In the Office Action, claims 1-10 and 27-33 were indicated as allowed and claims 13, 15, 16, 20 and 24 were indicated as allowable. Claim 18 has been amended and new claim 34, which corresponds to allowable claim 15 rewritten in independent form, has been added. It is believed that the application is now in condition for allowance. Accordingly, favorable reconsideration in light of the foregoing amendments and the following remarks is respectfully requested.

Independent claims 11 and 18 stand rejected. In particular, independent claim 11 has been rejected under 35 U.S.C. § 103(a) as obvious in view of U.S. Patent 6,598,949 ("the Frazier patent") and independent claim 18 has been rejected under § 103(a) as obvious in view of the Frazier patent in combination with U.S. Patent 6,598,949 ("the Leschinger patent"). The rejection of independent claim 11 and claim 18 as amended, and the related rejection of the claims depending therefrom are respectfully traversed.

Claim 11 recites a pedestal enclosure that includes, *inter alia*, a base section with a generally rectangular configuration and a cover having a generally cylindrical configuration with a generally circular cross-sectional shape. In the Office Action, the Examiner asserts that:

It would have been an obvious matter of design choice to change the shape of the cover to having a circular cross sectional shape since such a modification would have involved a mere change in the shape of a component. Where the instant specification and evidence of record fail to attribute any significance (novel or unexpected results) to a particular shape, a change of shape is generally recognized as being within the level of ordinary skill in the art.

Claim 11 recites a combination of a cover *and* a base section. The focus on whether it would have been obvious to change the shape of the cover ignores the base section element of the claim. The obviousness inquiry should instead focus on whether it would have been obvious to use a cylindrical cover having a generally circular cross-sectional shape with a generally rectangular base section.

The un-obviousness of the claimed combination is evident from the Frazier patent itself which illustrates the conventional thinking of those skilled in the art, i.e. that the base section and cover should have the same cross-sectional shape. To the extent one skilled in the art would have been motivated to change the shape of the cover of the Frazier patent so that it would have a generally circular cross-sectional shape, such person would also have changed the shape of the Frazier base section so that it would also have a generally circular cross-sectional shape. Thus, the proposed modification in the shape of the cover would not have yielded the claimed invention in which the base section and cover have different cross-sectional shapes. The Frazier patent actually teaches away from the combination of claim 11.


Moreover, the patent application does describe the novelty and utility of the combination of claim 11. In particular, the patent application describes that the claimed combination is beneficial because a generally rectangular base section is substantially self-supporting in the ground while a cylindrical cover with a generally circular cross-sectional shape is recognized as a reliable commodity in the telecommunications industry and is in common usage. (See paragraphs [0029] and [0030]). Moreover, the respective cross-sectional shapes of the base and cover provide the most efficient use of space for the components that are stored therein. Specifically, the generally circular cross-sectional shape of the cover provides the most efficient volumetric storage space for the copper and/or fiber wiring and connections that are stored within the cover while the generally rectangular cross-sectional shape of the base provides the most efficient volumetric storage space for the conduits and cable slack storage that are contained within the base. Accordingly, applicant submits that independent claim 11 and dependent claims 12, 14 and 17 are patentable over the Frazier patent.

Independent claim 18 as amended recites a pedestal enclosure including, *inter alia*, a base, cover, bracket system and a ground bar including a pair of legs each of which includes a connecting portion that inserts into and snap engages with a respective slot in the legs of the bracket system. The Leschinger patent cited by the Examiner teaches a grounding bracket that bolts to an electrical equipment enclosure (see Abstract). In the Office Action, the Examiner indicated that the original claim language relating to engagement of the ground bar did not sufficiently distinguish the prior art. In response, claim 18 has been amended to clarify the nature of the snap engagement of the ground bar with the bracket system. Neither

the Leschinger patent nor the Frazier patent teach or suggest a ground bar that snap engages with a bracket system as recited in amended claim 18. Accordingly, independent claim 18 and dependent claims 19, 21-23, 25 and 26 are allowable over the cited patents.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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Date: July 10, 2006